

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MARK NUNEZ, et. al,

Plaintiffs,

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

----- X
UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTIONS,

Defendants.

----- X
STATE OF NEW YORK)

:SS:

COUNTY OF QUEENS)

DECLARATION OF
CAPTAIN GAMIEN
BATCHELOR

11 Civ. 5845 (LTS)(JCF)

GAMIEN BATCHELOR, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746,
that the following is true and correct:

1. I am a Captain with the New York City Department of Correction (“DOC”), a position I have held since 2007. I started at the DOC in 2001 as a Correction Officer and have been with the DOC for over twenty-one years. During my time at the Department, I have worked in various facilities, including George R. Vierno Center (“GRVC”), North Infirmity Command (“NIC”), George Motchan Detention Center (“GMDC”), and the Anna M. Kross Center, where I served as Program’s Captain for over Ten years. In 2023 I was assigned to the Commissioner’s

Office. I am currently assigned to the Senior Deputy Commissioner's office overseeing Tour Wand Compliance.

2. As Captain in charge of Tour Wand Compliance I oversee a team of four officers. We oversee both Officer and Captain Tour Wand compliance. A Tour Wand is a tool utilized by staff to track and log housing unit tours. Staff utilize a Tour Pipe which they touch to a pinpoint at various locations in a housing area to demonstrate touring is occurring.

3. My unit operates the Tour Wand Report Dashboard ("Dashboard"). The Dashboard allows us to create daily reports that break down by facility and housing area and includes information about whether the Tour Wand was or was not "swiped" by the Officer and the longest time in between swipes. The Dashboard also permits us to create daily Captain Tour Wand Reports which indicate how many tours were conducted by Captains using a Tour Wand.

4. The DOC also conducts Tour Wand audits. Each week my team receives a report from each facility called the Weekly Watch Tour Tracking Report. The report identifies each post and officer assigned. The report further shows if the officer did or did not complete their tours based upon evidence including reviewing Genetec video footage. If a staff member was found to have not conducted their tours we go back and look to see if there were mitigating circumstances, such as a medical emergency or use of force that prevented a timely tour.

5. Following the audits of the Correction Officer and Captain Tour Wand usage, if a member of service is found to have not conducted their tours without mitigating factors, my office will recommend discipline in the forms of corrective interviews or command disciplines.

6. Since I took over supervision of Tour Wand Compliance in December 2023, I have seen a significant improvement in staff compliance with Tour Wand usage Department-wide. For example, comparing Tour Wand Compliance in GRVC on August 25, 2023 with

compliance on March 1, 2024 reveals an enormous increase in both Tour Wand swipes and housing areas monitored for compliance. See Exhibit A. Also noteworthy is the substantial decrease in time between swipes. The same levels of improvement can be seen in other facilities such as the Otis Bantum Correctional Center ("OBCC") (Exhibit B).

Dated: New York, New York
March 14, 2024


GAMIEN BATCHELOR

EXHIBIT A



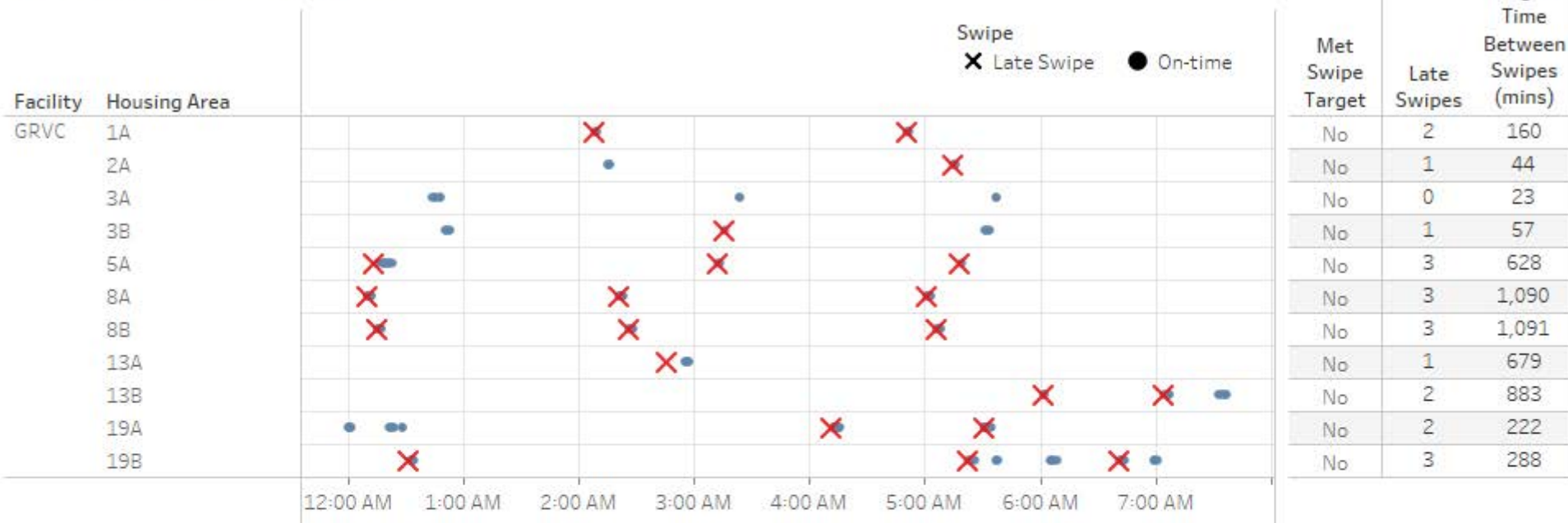
Facility Tour Ward Summary

Facility
GRVC

Tour Start Date
8/25/2023

Tour Start Time
00:00:00

Data Update Time: 3/13/2024 5:26:03 PM



Tour Start Date and Time: This filter refers to the start date and time of an 8 hour shift.

Swipe Target: In order to reach the target each button needs to be swiped at least 16 times during a tour.

Late Swipe: is defined as a swipe greater than 30 minutes since the previous one.



Facility Tour Wand Summary

Facility

GRVC

▼ Tour Start Date

▼ 3/1/2024

Tour Start Time

00:00:00 ▼

Data Update Time: 3/13/2024 4:01:00 PM

Facility Housing Area

GPVC

2A

3A

3B

4A

4B

5A

5B

7A

7B

8A

8B

9A

9B

10A

10B

11A

11B

13A

13B

15B

17A

17B

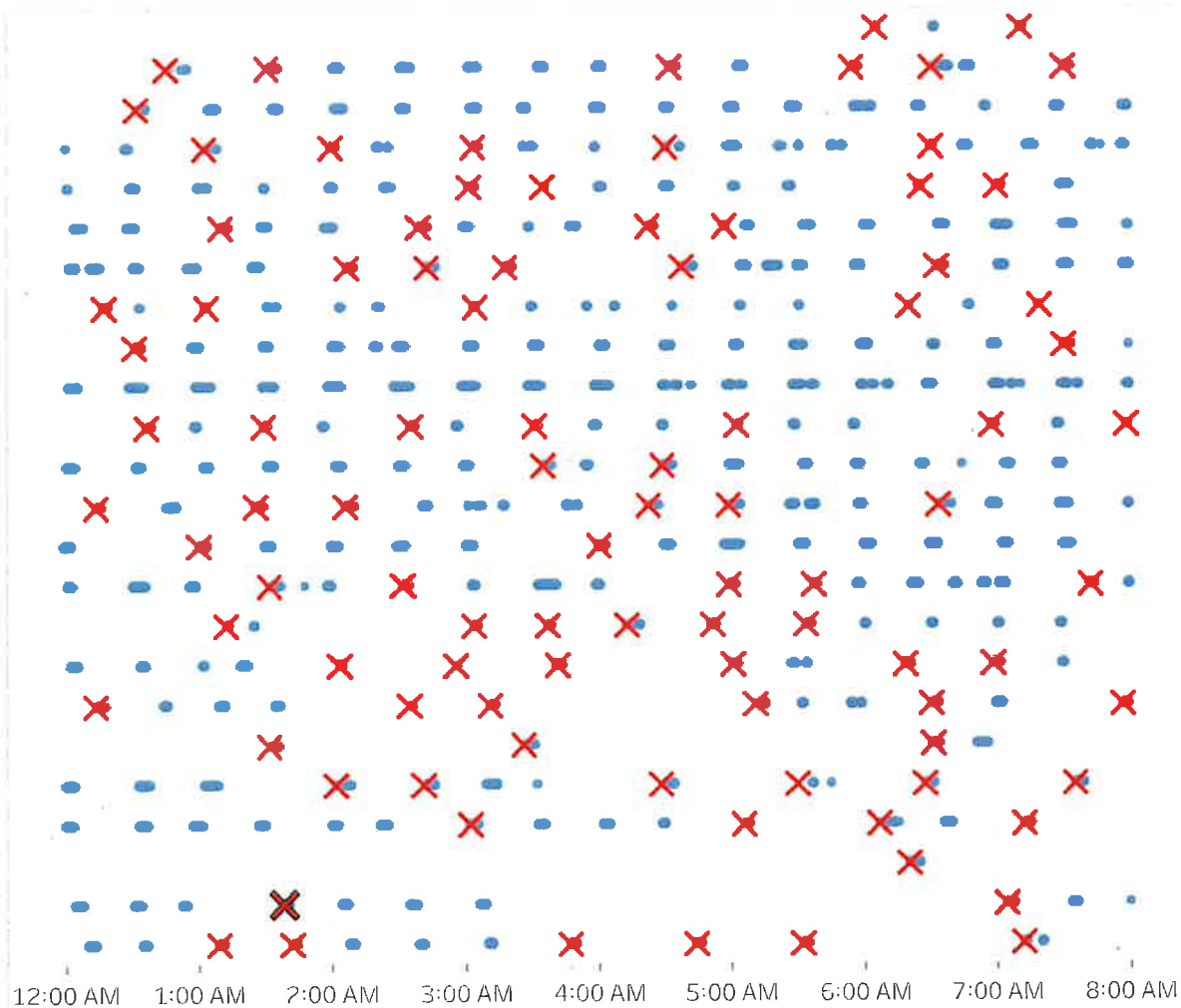
19A

19B

Swipe

X Late Swipe

● On-time

Met
Swipe
TargetLate
SwipesLongest
Time
Between
Swipes
(mins)

No

2

546

No

6

51

No

1

33

No

5

51

No

4

58

No

4

38

No

5

77

No

5

142

No

2

31

No

0

28

No

7

62

No

2

34

No

6

40

Yes

2

57

No

5

58

No

6

100

No

6

77

No

6

118

No

3

180

No

6

64

No

4

60

No

1

489

No

2

235

No

6

98

EXHIBIT B



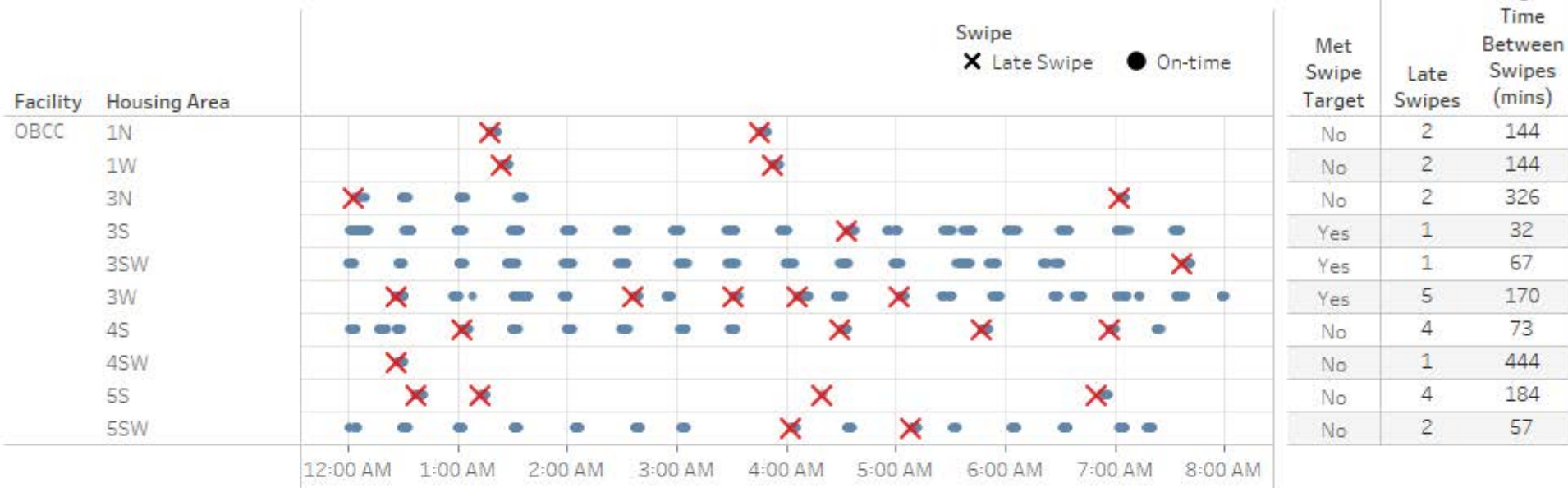
Facility Tour Ward Summary

Facility
OBCC

Tour Start Date
8/25/2023

Tour Start Time
00:00:00

Data Update Time: 3/13/2024 5:29:45 PM



Tour Start Date and Time: This filter refers to the start date and time of an 8 hour shift.

Swipe Target: In order to reach the target each button needs to be swiped at least 16 times during a tour.

Late Swipe: is defined as a swipe greater than 30 minutes since the previous one.



Facility Tour Wand Summary

Facility

OBCC

Tour Start Date

3/1/2024

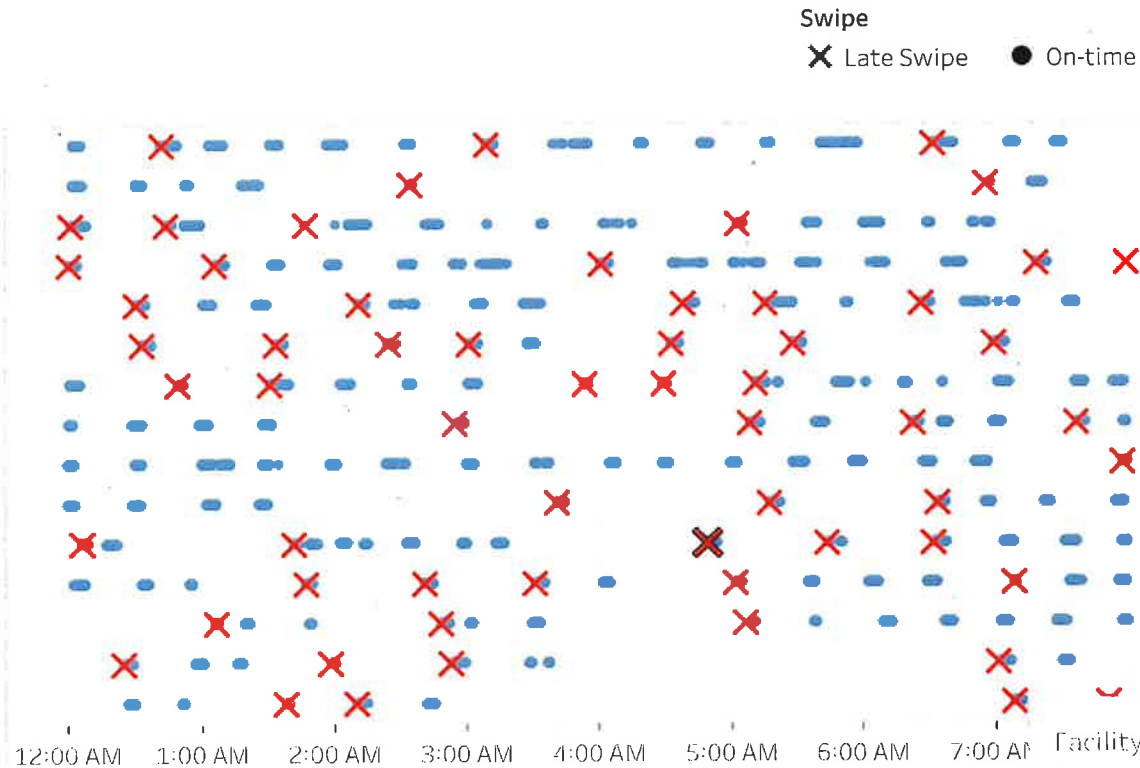
Tour Start Time

00:00:00

Data Update Time: 3/13/2024 4:01:00 PM

Facility Housing Area

OBCC
 1N
 1S
 1W
 2S
 2SW
 3N
 3S
 3SW
 3W
 4S
 4SW
 5N
 5S
 5SW
 5W

Met
Swipe
TargetLate
SwipesLongest
Time
Between
Swipes
(mins)

Yes	3	36
No	2	259
No	4	96
No	5	63
No	5	66
No	7	87
No	5	48
No	4	129
Yes	1	61
No	3	132
No	5	92
No	5	57
No	3	93
No	4	204

Facility:
 Group:
 Location:

OBCC
 4SW
 4SW - Lower Left
 Front
 3/1/2024 4:49:30
 Minutes Since Last Swipe: 92
 Device Name: OBCC 4 SOUTH/W